

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2010

Charles R. Fulbruge III
Clerk

No. 09-10523

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

JULIO NOEL ROBLES,

Defendant–Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:08-CR-65-1

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Julio Noel Robles appeals the 71-month term of imprisonment imposed following his guilty-plea conviction for being a felon in possession of a firearm, a Kimber, Model Elite Carry, .45 caliber semi-automatic pistol. Robles challenges the district court's application of a four-level enhancement based upon his earlier possession of a firearm, a Smith and Wesson pistol, in connection with another felony offense, possession of marijuana. *See* U.S.S.G. § 2K2.1(b)(6).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Robles's challenge is without merit. The two firearms offenses occurred within four months of each other. In each instance, the discovery of the firearm resulted from an investigation into suspected drug and/or gang activity by Robles. Additionally, Robles possessed similar firearms (pistols), and he possessed both firearms after a felony conviction. As in *United States v. Brummett*, 355 F.3d 343, 345 (5th Cir. 2003), the "pattern of behavior of possessing firearms was similar and regular, and the time period between the offenses permits a conclusion that the firearms possessions were part of an ongoing series of offenses." The district court therefore did not err in applying the § 2K2.1(b)(6) enhancement. See *Brummett*, 355 F.3d at 344-45.

AFFIRMED.